IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Revision No. 5683 of 2006

Date of Decision: November 27, 2007

Ram Chand and others

… Petitioners

Versus

Lakhmir Singh and others

… Respondents

CORAM : HON'BLE MR. JUSTICE S.D. ANAND

Present : Mr. R.K. Battas, Advocate,
for the petitioners.

Mr. Harsh Aggarwal, Advocate,
for respondent No.4.

S.D. Anand, J.

In a concurrence of views, the learned Trial Court and also the learned First Appellate Court directed the parties to maintain status quo. That order was granted by both the Courts after noticing that the respective pleas raised by the parties, qua each one of them being in possession of the property in dispute, could be adjudicated upon only after they had been afforded opportunity to adduce evidence at the trial.

The learned counsel for the plaintiffs-petitioners argued that both the Courts committed grave error of law in not attaching required importance to the fact that the respondents – Lakhmir Singh and Jarnail Singh had filed certain suits against the plaintiffs-petitioners and, in the course thereof, the former had conceded that the possession on the land in suit was that of the latter. It was argued that the plea offered on behalf of

the respondents that those suits were not filed under proper legal advice, is neither here nor there.

The plea was resisted on behalf of the defendants-respondents, on whose behalf it was argued that though the plaintiffs-petitioners' claim to have acquitted title to the land in suit long ago, is false because the khasra girdawari entries from Kharif 1959 to Rabi 1973 do not reflect their possession on the land in suit and there is no indication on the file about the circumstances under which and the period with effect from which the plaintiffs-petitioners entered into possession of the land in suit. In that context, it was also argued that in the khasra girdawari entries for the period from Kharif 2000 to Rabi 2003, a part of the land in suit had been shown to be vacant. If the plaintiffs-petitioners were actually in possession of the entire land, the argument proceeded, there is no reason why that land could have been shown as vacant. In that context, it was pointed out that the cultivation entries for the period aforementioned are disputed vide rapat No. 88.

Both the Courts had noticed the pleas of the parties, the documentary evidence supportive of their respective pleas and come to the conclusion that it was a fit case in which parties should be directed to maintain status quo. There is nothing perverse or irregular in the exercise of discretion by both the Courts. Each party has something to say in support of its plea. It is only on appreciation of the substantive evidence at the trial that the Court would be able to form an opinion either-way.

In the light of foregoing discussion, the petition is held to be devoid of merit and is ordered to be dismissed.

However, in the circumstances of the case, it is directed that the learned Trial Court shall dispose of the main suit itself within a period of

three months from the next date of hearing or the receipt of a copy of order of this Court, whichever is earlier.

November 27, 2007 (S.D. Anand)
vkd Judge

Note : Whether referred to Reporter? Yes/No